

PUBLIC NOTICE



**US Army Corps
of Engineers
Kansas City District**

**Public Notice No. 200400628
Issue Date: February 4, 2004
Expiration Date: March 5, 2004**

30-Day Notice

JOINT PUBLIC NOTICE: This public notice is issued jointly with the following three state water quality agencies. These agencies will use the comments to this notice in deciding whether to grant Section 401 water quality certification. Commenters are requested to furnish a copy of their comments to:

Missouri Department of Natural Resources, Water Pollution Control Program, Post Office Box 176, Jefferson City, MO 65102

Kansas Department of Health and Environment, Bureau of Water, Nonpoint Source Section, Building 283, Forbes Field, Topeka, Kansas 66620

Nebraska Department of Environmental Quality, Water Quality Division, Surface Water Section, Post Office Box 98922, State House Station, Lincoln, Nebraska 68509-9822

PROPONENT: Kansas City District, Corps of Engineers
700 Federal Building
Kansas City, Missouri 64106-2896

PROJECT LOCATION [As shown on the attached drawings]: Missouri River from the confluence with the Mississippi River (Missouri River mile 0.0) in St. Louis and St. Charles Counties, Missouri, to Missouri River mile 498.4 in Richardson County, Nebraska and Holt County, Missouri, and in the Gasconade River Harbor, at the confluence of the Missouri and Gasconade Rivers (Missouri River mile 104.4 and Gasconade River miles 0.0 to 0.4), in Sections 1, 2, 11 and 12, Township 45 north, Range 6 west, in Gasconade County, Missouri.

AUTHORITY: The proposed dredging operations would be authorized pursuant to Section 404 of the Clean Water Act (33 USC 1344) and comply with regulations found at 33CFR parts 335 through 338. The Missouri River Bank Stabilization and Navigation Project was first authorized from Kansas City to the mouth by the Rivers and Harbors Act of 1912. The project limits were extended to Sioux City, Iowa in 1927. The Rivers and Harbors Act of 2 March 1945 modified the previous authorizations to provide for a navigable channel 9 feet deep and 300 feet wide between Sioux City and the mouth.

National Environmental Policy Act (NEPA) of 1969, as amended: The Corps has made a preliminary determination that the proposed project would not result in significant degradation of the human environment and therefore the proposed project would support a Finding of No Significant Impact (FONSI). The Corps will utilize comments received in response to this Public Notice to complete our evaluation of the project for compliance with the requirements of NEPA, and other Federal, state, and local regulations, including this review for project compliance with the requirements of Section 404 of the Clean Water Act. The Corps has made a preliminary determination that the project as proposed would not be contrary to the public interest and is in compliance with the Section 404(b)(1) Guidelines as specified in 33 CFR Parts 335 through 338.

ACTIVITY [As shown on the attached drawings]: The Kansas City District (KCD) proposes to renew its emergency maintenance dredging authority for the Missouri River, which expired December 31, 1995, and for the Gasconade River Harbor, which expired December 31, 1997. A renewal of this authorization would provide for emergency maintenance dredging as required from the date of renewal through December 31, 2014. The proposed dredging is necessary to maintain the navigation channel authorized as the Missouri River Bank Stabilization and Navigation Project, and to allow efficient use of the Gasconade River Harbor facilities. Waterways are to be maintained to fully constructed channel dimensions and therefore, Corps regulatory policy authorizes maintenance dredging in critical and/or fast shoaling areas.

Predetermined work sites have not been identified in the Missouri River, as dredging would be dictated by navigation channel obstructions that would occur at random locations. The material dredged would be primarily sand, with dredging operations occurring during the navigation season. Dredging would be employed with discharge into the river as close as practicable to the extraction site. As allowed by the equipment capabilities and physical circumstances, discharges will be avoided in: 1) chutes, cutoff channels and tributaries; 2) within 100 feet of the bank or any control structure; 3) within 500 feet upstream of any municipal water intake; 4) in wetlands; 5) within 2 feet below the elevation of normal navigation flow (design line) between sills and dike systems; or 6) in deep scour holes. Whenever possible, KCD will contract with commercial sand dredges to remove the sand for commercial use, with discharges limited to fines and oversized materials. KCD will work with interested Federal and state agencies to determine any beneficial usage of the dredged material for aquatic and riverine species.

It is anticipated that the scope and extent of future dredging under this authorization will be similar to the scope and extent of dredging conducted by the Kansas City District over the last 15 years. Emergency dredging is generally conducted during extreme low flow periods at unpredictable locations. Dimensions of dredged areas are generally less than 2000' by 400'.

Emergency maintenance dredging over the last 15 years has consisted of:

April 2003: 30,000 cubic yards dredged at river mile 130 by commercial sand dredgers. Material was deposited 500' downstream immediately outside the navigation channel and was used to expand an existing sandbar.

Oct 2002: 70,000 cubic yards dredged at river mile 130 and 24,000 cubic yards dredged at river mile 52 by Corps dredge *Potter*. Material was deposited 400' landward and 300' downstream and was used to expand an existing sandbar.

May 1989: 70,000 cubic yards dredged at river mile 8.5 by Corps dredge *Thompson*. Material was deposited along the left bank dike field.

July 1988: 106,000 cubic yards dredged at river mile 13 and 88,000 cubic yards dredged at river mile 0 by the Corps dredge *Thompson*. Material was deposited along the right bank shoreline.

KCD will notify the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, Missouri Department of Conservation, Missouri Department of Natural Resources, Kansas Department of Wildlife and Parks and the Nebraska Game and Parks Commission, and other agencies if requested, at least 36 hours in advance of the commencement of dredging. If requested, a site inspection will be conducted with interested agencies to discuss the extent of dredging and disposal of spoils.

In the Gasconade River Harbor, dredging would occur during periods of low flow in an area approximately 1,500 feet long by 180-200 feet wide, with disposal in the Missouri River channel, unless a commercial sand dredger is contracted to remove the material.

DRAWINGS: The attached drawings provide location details of the proposed project. Two areas of the Missouri River where emergency dredging was previously conducted are included as representative of typical dredging sites.

PROPERTY ADJACENT TO PROJECT AREA: Property adjacent to the project area is owned by the U.S. Government (Gasconade River Harbor) or subject to Navigational Servitude.

WETLANDS: This activity is being reviewed in accordance with Executive Order 11990, Protection of Wetlands, which directs agencies to minimize the destruction, loss or degradation of wetlands. No dredging in, or discharges into wetlands will occur unless the proposed action receives concurrence from the U.S. Environmental Protection Agency and the U.S. Fish and Wildlife Service, or unless such restrictions would clearly result in closure of navigation.

CULTURAL RESOURCES: The proposed project has been reviewed in compliance with the National Historic Preservation Act of 1966 (Public Law 89-665) including a check of the National Register of Historic Places and supplements thereto. A number of Missouri River boat wrecks listed, proposed for listing, or eligible for listing in the National Register occur in the authorization area. A determination has been made that no historic properties will be affected by the proposed dredging, because dredging will be limited to areas of recent accretion within the navigation channel. Accordingly, KCD does not propose to conduct a survey of the proposed dredging sites.

ENDANGERED SPECIES: The project is within the range of the federally listed endangered pallid sturgeon (*Scaphirhynchus albus*) and interior least tern (*Sterna antillarum athalassos*), federally listed threatened piping plover (*Charadrius melodus*), and Missouri River candidate species. In compliance with the Endangered Species Act, a preliminary determination has been made that under the proposed notification procedures of the proposed authorization, and in consideration of the general exclusion of important instream habitat for dredged material disposal, the described work is not likely to adversely affect species designated as threatened or endangered or adversely affect critical habitat. In order to complete our evaluation of this activity, comments and concurrence are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

FLOODPLAINS: This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this public notice, comments are requested from individuals and agencies that believe the described work will adversely impact the floodplain.

WATER QUALITY CERTIFICATION: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of dredged or fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. This public notice serves as an application to the state in which the discharge site is located for certification of the discharge. The discharge must be certified before Department of the Army authorization can be issued. Certification, if issued, expresses the state's opinion that the discharge will not violate applicable water quality standards.

PUBLIC INTEREST REVIEW: The decision to issue authorization will be based on an evaluation of the probable impact including the cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, esthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (33 USC 1344). The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny authorization for this proposal. To make this decision, comments are used to address impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

COMMENTS: This notice is provided to outline details of the above-described activity so this District may consider all pertinent comments prior to determining if authorization would be in the public interest. Any interested party is invited to submit to this office written facts or objections relative to the activity on or before the public notice expiration date. Comments both favorable and unfavorable will be accepted and made a part of the record and will receive full consideration in determining whether it would be in the public interest to issue the Department of the Army authorization. Copies of all comments, including names and addresses of commenters, may be provided to the proponent. Comments should be mailed to the address shown on page 5 of this public notice.

PUBLIC HEARING: Any person may request, in writing, prior to the expiration date of this public notice, that a public hearing be held to consider this application. Such requests shall state, with particularity, the reasons for holding a public hearing.

ADDITIONAL INFORMATION: Additional information about this application may be obtained by contacting Richard A. Skinker, U.S. Army Corps of Engineers, Environmental Resources Section, 601 East 12th Street, Room 843, Kansas City, Missouri 64106, at telephone 816-983-3134 (FAX 816-426-2142) or via e-mail at richard.a.skinker@usace.army.mil.

PRELIMINARY SECTION 404(b)(1) EVALUATION REPORT
PUBLIC NOTICE NO. 200400628

	YES	POTENTIAL EFFECTS	NO
I. Physical Effects A. Potential destruction of wetlands..... B. Impact on water column..... C. Covering of benthic communities.....		 X X	 X
II. Chemical-Biological Interactive Effects A. Adverse effect of chemical constituents on water column..... B. Adverse effect of chemical constituents on benthos			 X X
III. Applicable Water Quality Standards A. Will activity be in conformance with applicable standards?.....	X		
IV. Selection of Disposal Sites A. Impacts of fill material on chemical, physical, and biological integrity of aquatic ecosystem..... B. Have the needs for the proposed activity been considered?..... C. Have alternatives been considered?..... D. Impacts on water uses at the proposed disposal site E. Have mitigation measures to minimize harmful effects been considered?.....	 X X X	 X	 X
V. Contamination of Fill Material A. Contamination of fill material if from a land source.....			X
VI. Mixing Zone A. Have mixing zone determinations been established for each disposal site?.....			X
VII. Impacts to Navigation A. Impairment to maintenance of navigation. B. Economic impact on navigation and anchorage.....			X X
VIII. Public Participation and Coordination A. Will a public interest review be conducted?.....	X		

NEBRASKA

OMAHA

COUNCIL BLUFFS

IOWA

RULO R.M. 498.4

ST. JOSEPH
R.M. 448

KANSAS

KANSAS
CITY
R.M. 365

Missouri

GLASGOW
R.M. 226

River

JEFFERSON CITY
R.M. 143

ST. LOUIS

R.M. 0.0

MISSOURI

NOTE: R.M. = River Mile



APPLICATION NO. 200400628
BY KANSAS CITY DISTRICT,
CORPS OF ENGINEERS
EMERGENCY MAINTENANCE DREDGING
MISSOURI RIVER MILES 0.0 TO 498.4
AND THE GASCONADE RIVER HARBOR
IN MISSOURI, KANSAS AND NEBRASKA
SHEET 1 OF 4
DATED 4 FEBRUARY 2004

ST. CHARLES

DIKE 14.2 (32) CRP 413.3	DIKE 14.0 (32) CRP 413.1	DIKE 13.8 (32) CRP 413.0	DIKE 13.7 (32) CRP 412.9
4+74- 8+12 (71) 4.21	3+29- 5+60 (83) 4.13	4+03- 4+08 (83) 4.13	8+35- 9+72M (71) 4.20
8+12- 8+42 NM (82) 4.12	5+60- 7+00 (72) 4.21	4+08- 8+50 (71) 4.21	
8+42- 9+72 (71) 4.21	7+00- 7+00 NM (81) 4.11	8+50- 7+00 NM (81) 4.11	
	7+50- 8+37 (72) 4.21	7+00- 8+20 (71) 4.21	

REVET 175
146+31-150+81 (74) 4.16
154+81-159+31 (74) 4.15
163+48-167+98 (74) 4.15

REVET 13.0
0+00-14+50 (74) 4.17
14+50-18+00 N (81) 4.10
18+00-19+00 (72) 4.18
23+27-23+47 N (85) 4.10
23+47-28+77 (85) 4.16

DIKE 13.9 (30) CRP 413.1	DIKE 13.79 (63) CRP 412.9	DIKE 13.6-A (34) CRP 412.9
14+40-14+04 (60) 4.18	2+57-5+78M (75) 4.16	15+80-14+50 (61) 4.17
16+04-16+93M (63) 4.18	5+78-7+62M (80) 4.12	
16+93-18+93M (78) 4.12		

DIKE 13.6 (30) CRP 412.9	DIKE 13.6-B (40) CRP 412.6	DIKE 13.5 (78) CRP 412.7	DIKE 13.15 (78) CRP 412.4	DIKE 12.75 (78) CRP 412.0
11+20-12+00 (62) 4.18	0+00- 0+98 (61) 4.18	0+50- 4+07 (78) Notch	0+55- 4+80 (78) Notch	0+55- 4+50 (78) Notch
12+00-14+02 (71) 4.20	0+98- 4+35M (71) 4.20	4+07- 6+07M (78) 4.12	4+80- 6+80M (78) 4.12	4+50- 6+50M (78) 4.11
14+02-15+18M (71) 4.20	4+35- 5+35M 416 TO 412			
15+18-17+18M (80) 4.12	5+35- 6+35M (78) 4.12			

DIKE 13.2-A (33) CRP 412.5	DIKE 13.2-B (50) CRP 412.2
8+45-12+55 (67) 4.20	0+00-1+30 (67) 4.20
	1+30-3+44 (61) 4.17
	3+44-6+44 (73) 4.16
	6+44-7+44M (73) 4.16
	7+44-9+44M (80) 4.11

DIKE 12.5 (32) CRP 411.7	DIKE 12.15 (79) CRP 411.7
9+05-11+50 3 TONS/FT	2+00- 5+00 (79) 4.17
11+50-11+69 (53) 419 TO 414	5+00- 7+00 (79) 4.17
11+70-13+70 (61) 4.17	
13+70-18+90 (71) 4.19	
18+90-19+95M (71) 4.19	
19+95-20+15NM (85) 4.08	
20+15-21+90M (85) 4.10	

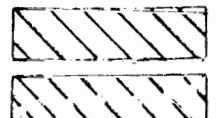
PAST DREDGING AREAS AND DISPOSAL SITES

APPLICATION NO. 200400628
BY KANSAS CITY DISTRICT,
CORPS OF ENGINEERS
EMERGENCY MAINTENANCE DREDGING
MISSOURI RIVER MILES 0.0 TO 498.4
AND THE GASCONADE RIVER HARBOR
IN MISSOURI, KANSAS AND NEBRASKA
SHEET 2 OF 4
DATED 4 FEBRUARY 2004

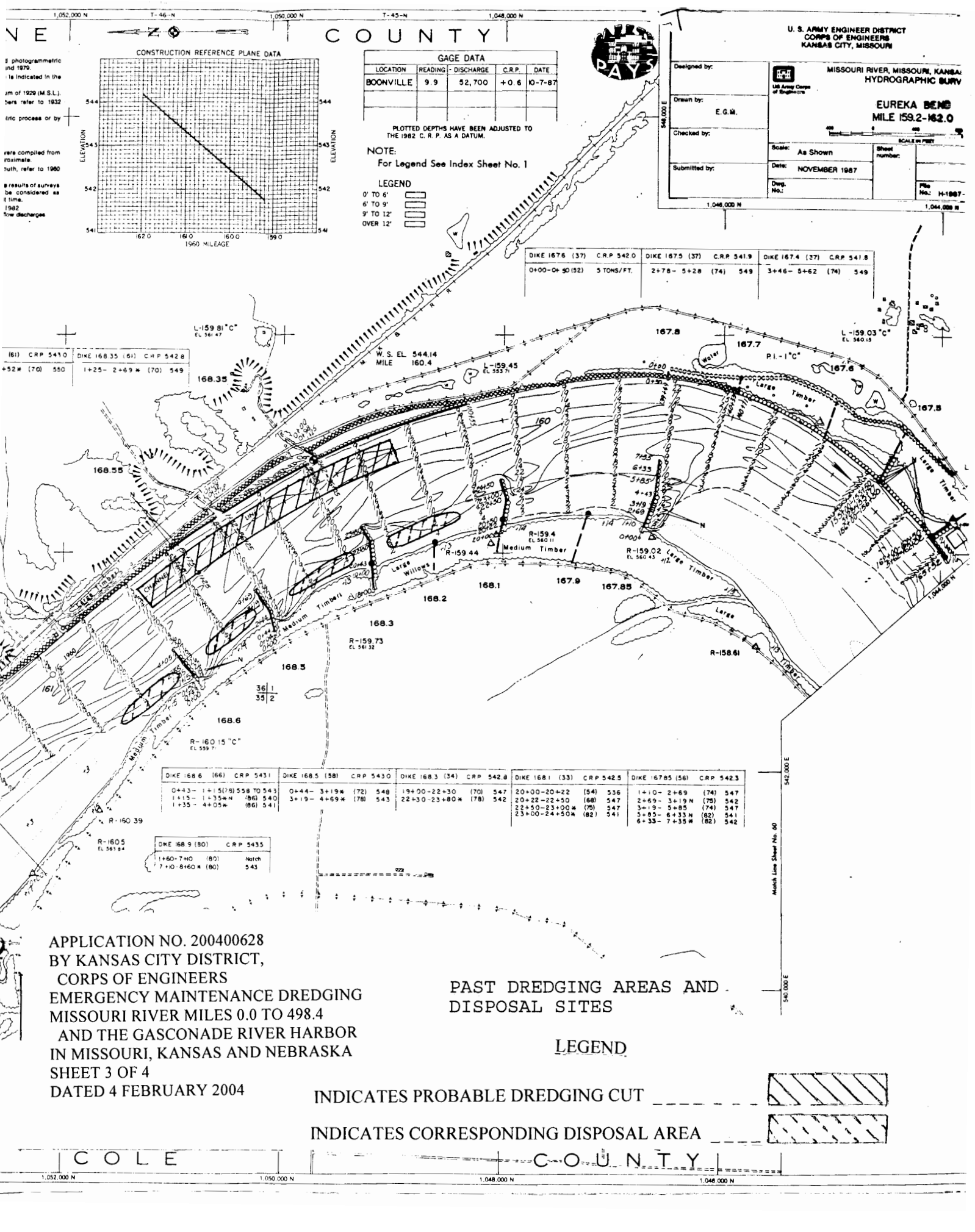
LEGEND

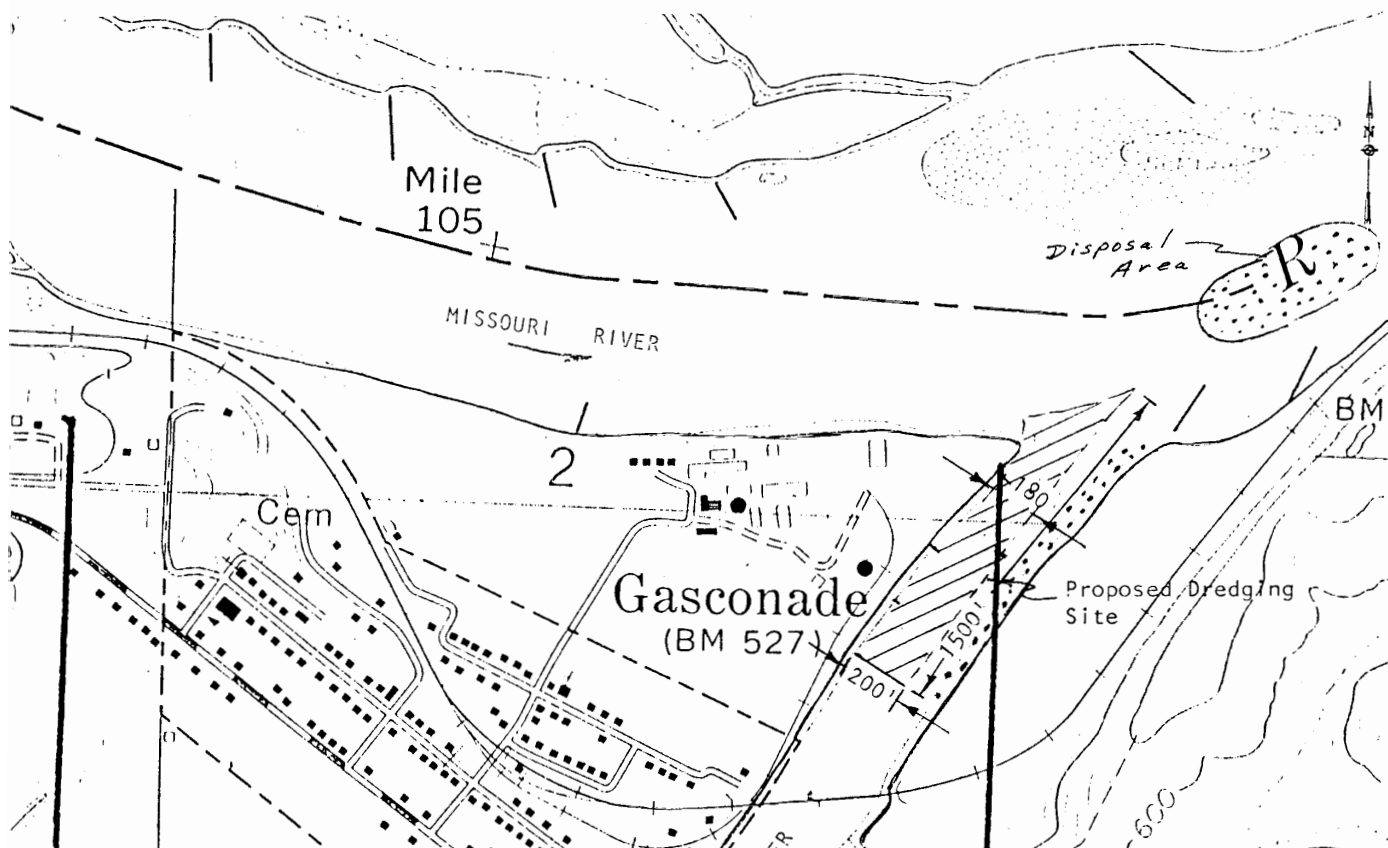
INDICATES PROBABLE DREDGING CUT

INDICATES CORRESPONDING DISPOSAL AREA

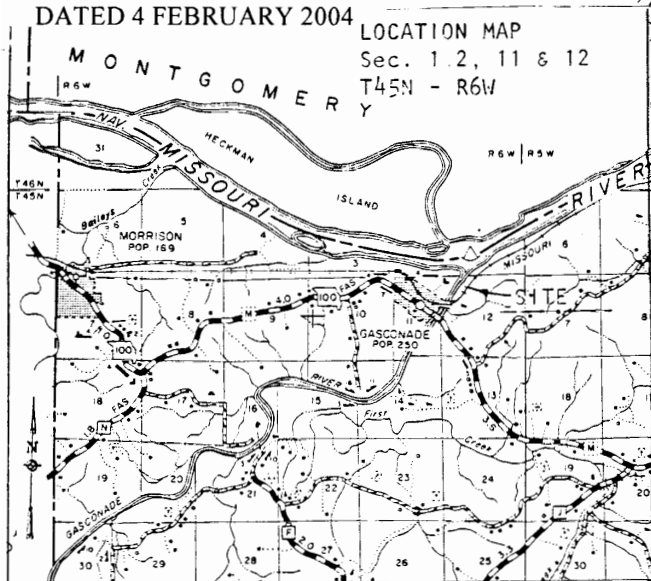


ST. LOUIS





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 SHEET 4 OF 4
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NOTE
 Proposed open water disposal for
 hydraulic dredging will be in the
 navigation channel of the Missouri
 River